

Message Text

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1. THE FOLLOWING PARAGRAPHS KEYED TO REFTEL PROVIDE INFORMATION AS REQUESTED ON THE 1976 NARCOTICS LAW OF THE REPUBLIC OF INDONESIA.

2. POSSESSION:

- A) DIFFERENTIATION IS MADE BETWEEN MARIJUANA AND COCAINE ON THE ONE HAND AND ALL OTHER NARCOTICS ON THE OTHER.
- B) THERE IS NO QUALIFYING AMOUNT FOR POSSESSION.
- C) PENALTIES FOR POSSESSION ARE UP TO SIX YEARS IMPRISONMENT FOR MARIJUANA AND COCAINE AND UP TO TEN YEARS FOR OTHER NARCOTICS. THIS IS LESS THAN FOR PROCESSING, TRANSPORTING OR TRAFFICKING AND IS THE SAME AS FOR CULTIVATING NARCOTIC PLANTS.

3. TRAFFICKING:

- A) TRAFFICKING IN MARIJUANA OR COCAINE IS PUNISHABLE BY A MAXIMUM OF 20 YEARS IMPRISONMENT. FOR OTHER NARCOTICS THE MAXIMUM IS DEATH, WITH ALTERNATE PENALTIES OF LIFE IMPRISONMENT OR 20 YEARS.

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- B) THERE ARE NO OTHER PROVISIONS RELATING TO PENALTIES, WITH THE EXCEPTION OF FINES LEVIED IN ADDITION TO IMPRISONMENT. THESE ARE RP.30 MILLION(\$72,000) FOR MARIJUANA OR COCAINE AND RP.50 MILLION(\$120,000) FOR OTHER NARCOTICS.

- C) THE OFFENSE CONSISTS ONLY OF POSSESSION OF "LARGE" AMOUNTS OF NARCOTIC SUBSTANCES.

D) THERE IS NO CRIMINAL OFFENSE RELATED TO CONSPIR-

CY TO TRAFFIC, IMPORT OR EXPORT NARCOTICS.

4. CULTIVATION, PRODUCTION, ELABORATION

A) THE CULTIVATION OF CANNABIS, COCA, AND OPIUM POPPY IS PROHIBITED BY LAW EXCEPT FOR COMPANIES OPERATING UNDER A SPECIFIC PERMIT FROM MINISTER OF HEALTH. PENALTIES ARE SIX YEARS AND RP.10 MILLION(\$24,000) FOR PLANTING MARIJUANA OR COCA, TEN YEARS AND RP.15 MILLION(\$36,000) FOR OTHER NARCOTICS: 12 YEARS AND RP.20 MILLION(\$48,000) FOR PRODUCING OR ELABORATING MARIJUANA OR COCAINE, 20 YEARS AND RP.30 MILLION(\$72,000) FOR OTHER NARCOTICS.

B) LIMITATIONS ON PRODUCTION, SALE AND DISTRIBUTION ARE COVERED BY INDIVIDUAL PERMITS ISSUED BY THE MINISTER OF HEALTH TO AUTHORIZED COMPANIES.

C) PENALTIES FOR ELABORATING NARCOTIC SUBSTANCES ARE LISTED IN PARAGRAPH A) ABOVE.

5. FINANCIAL

A) THERE IS NO OFFENSE RELATED TO FINANCIAL SUPPORT FOR CULTIVATION, ELABORATION OR TRAFFICKING IN NARCOTICS. ENFORCEMENT OFFICIALS HAVE STATED THEIR CONCERN OVER THIS PROBLEM. BUT THEY CANNOT OBTAIN BANK RECORDS WITHOUT SPECIFIC APPROVAL OF THE MINISTER OF FINANCE.

B) THERE ARE NO EXCHANGE CONTROLS IN INDONESIA. BANK UNCLASSIFIED

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TRANSFERS OF FUNDS MAY BE MADE ONLY THROUGH AUTHORIZED BANKS, BUT TRANSFERS TO FINANCE NARCOTIC TRAFFICKING COULD BE DISGUISED AS COMMERCIAL PAYMENTS. LARGE AMOUNTS OF CURRENCY COULD EASILY BE TAKEN INTO AND OUT OF THE COUNTRY SURREPTITIOUSLY. FUNDS FOR NARCOTICS TRAFFICKING ARE GENERALLY BELIEVED TO BE PROVIDED THROUGH THE INFORMAL CHINESE CREDIT SYSTEM PREVALENT THROUGHOUT SOUTHEAST ASIA.

6. CRIMINAL PROCEDURE-THIS IS COVERED BY THE REGULAR CRIMINAL CODE.

A) THE PERIOD OF INVESTIGATIVE DETENTION IS 30 DAYS, AND CONSULAR ACCESS IS PERMITTED DURING THIS PERIOD. CONSULS ARE NOTIFIED OF ARRESTS DURING THE PERIOD EITHER BY OFFICIALS OR THE SUSPECTS THEMSELVES.

B) PRE-TRIAL DETENTION IS USUALLY THREE TO SIX MONTHS.

C) TRIALS USUALLY TAKE 1-3 MONTHS. THERE IS NOT TIME ALLOTTED FOR REVIEW/CONFIRMATION PROCEEDINGS. APPEALS USUALLY TAKE 3-6 MONTHS.

D) FREE LEGAL COUNSEL IS NOT USUALLY PROVIDED EXCEPT IN CAPITAL CASES. THERE ARE VERY FEW LAWYERS WHO TAKE NARCOTICS CASES, AND THEIR FEES ARE NEGOTIABLE DEPENDING ON THE CIRCUMSTANCES.

E) THERE IS NO PROVISION FOR PAROLE.
F) THERE HAVE BEEN NO KNOWN INSTANCES OF EXPELLING
MINOR OFFENDERS.
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